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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,718	02/24/2004	Mark Banister	MEDIPACS 04.03	2762
27667	7590	11/29/2007		
HAYES SOLOWAY P.C. 3450 E. SUNRISE DRIVE, SUITE 140 TUCSON, AZ 85718			EXAMINER FREAY, CHARLES GRANT	
			ART UNIT	PAPER NUMBER
			3746	
			MAIL DATE	DELIVERY MODE
			11/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <span style="float: right;">ED</span>
10786718	2/24/04	BANISTER, MARK	MEDIPACS 04.03

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3450 E. SUNRISE DRIVE, SUITE 140  
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**EXAMINER**

Charles G. Freay

**ART UNIT****PAPER**

3746


20071125

**DATE MAILED:**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Please note the attached paper entitled Notice of Non-Responsive Election. The examiner notes that the non-responsiveness was clearly inadvertant.

  
Charles G Freay  
Primary Examiner  
Art Unit: 3746

### Notice of Non-Responsive Election

The reply filed on July 30, 2007 and October 19, 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The elections were in response to the election requirements of 7/3/07 and 9/4/07 and made the election of the species shown in Figs. 1 and 4 and indirectly activated polymer gels activated indirectly. The applicant stated to claims 1-10, 12-15, 17, 19-26, 34-48 and 50-57 read on the elected species. However, after cursory review the examiner notes that there are plural of the elected claims which do not read on the elected embodiments. For example, claims 50-53 read on species 9 shown in Fig.s 10A and 10B and claims 42-48 read on non-elected species of the type of actuator. Due to the number of species and the number of claims which seem to not read on the elected invention the examiner request that the applicant review the claims which read on the elected embodiments. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles G. Freay whose telephone number is 571-272-4827. The examiner can normally be reached on Monday through Friday 8:30 A.M. to 5:30 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on 571-272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Charles G Freay  
Primary Examiner  
Art Unit 3746

CGF  
November 25, 2007